

COMMITTEE OF THE WHOLE MARCH 22, 2011

**ZONING BY-LAW AMEDMENT FILE Z.11.003
SITE DEVELOPMENT FILE DA.10.108
NINE-TEN WEST LIMITED
WARD 4**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.11.003 (Nine-Ten West Limited) BE APPROVED to remove the Holding Symbol "(H)" from the portion of the subject lands municipally known as 1076 Rutherford Road as shown on Attachment #2.
2. THAT Site Development File DA.10.108 (Nine-Ten West Limited) BE APPROVED, to permit a new one-storey multi-unit commercial building having a total gross floor area of 1,785.85m² and to facilitate the relocation of an existing 243m² heritage structure to be used for commercial purposes (as shown on Attachment #3), subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the final site plan, building elevations, signage details plan, landscape plan and landscape cost estimate shall be approved by the Vaughan Development Planning Department;
 - ii) the final site servicing and grading plan shall be approved by the Vaughan Engineering Department;
 - iii) the implementing zoning by-law for the subject lands shall be in full force and effect; and,
 - iv) that Minor Variance Application A085/11 shall be approved by the Vaughan Committee of Adjustment and shall be in full force and effect.
 - b) that the Site Plan Letter of Undertaking contain the following provisions:
 - i) Prior to final approval of the site plan, the Owner shall enter into a Developers' Group Agreement with the other participating landowners within Block 11 to the satisfaction of the City. The agreement shall be regarding but not limited to all cost sharing for the provisions of parks, cash-in-lieu of parkland, road and municipal services within Block 11. This agreement shall also provide a provision for additional developers to participate within the Developers' Group Agreement when they wish to develop their lands.
 - ii) The Owner acknowledges that cash-in-lieu of parkland shall be paid in accordance with Section 42 of the Planning Act and conform to the City's "Cash-in-Lieu of Parkland Policy".

Contribution to Sustainability

The Owner has advised that the proposed development will incorporate the following sustainable building and site development features:

- i) erosion and sediment control measures;
- ii) bicycle racks to promote an alternative to car use;
- iii) low maintenance, drought-tolerant, predominantly native plant species;
- iv) locally sourced building materials;

- v) the use of a light coloured roof to reduce the heat island effect;
- vi) the incorporation of technologies to reduce the amount of water use;
- vii) the collection and storage of recyclables;
- viii) the use of low-E windows;
- ix) compliance with ASHRAE standards (heating, ventilation and air conditioning);
and,
- x) light pollution reduction.

Economic Impact

There are no requirements for new funding associated with this report.

Purpose

The Owner of the subject lands shown on Attachments #1 and #2 has submitted a Site Development Application (File DA.10.108) to facilitate the development of a multi-unit commercial building and to facilitate the relocation and reuse of an existing heritage structure for commercial purposes. The development including both Building "A" (new construction) and Building "B" (existing heritage structure) has a total GFA of 2,028.85m² as shown on Attachments #3 to #7 inclusive.

The Owner has also submitted a Zoning By-law Amendment Application (File Z.11.003) to remove the Holding Symbol "H" from the portion of the subject lands municipally known as 1076 Rutherford Road as shown on Attachment #2.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located at the northeast corner of Rutherford Road and Thomas Cook Avenue, municipally known as 1020 and 1076 Rutherford Road, being Part of Lot 16, Concession 2, City of Vaughan. The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated "Medium Density Residential/Commercial" by OPA #600, which permits neighbourhood commercial uses, including a retail store, pharmacy, bank, and business and professional offices. The subject lands are designated "Low-Rise Mixed-Use" with a maximum height of 4-storeys and a maximum Floor Space Index of 1.5 by the new City of Vaughan Official Plan 2010, which is pending final approval from the Region of the York. Retail uses are permitted within the "Low-Rise Mixed-Use" designation. The proposed development would provide neighbourhood commercial uses to serve the surrounding residential area. The proposal conforms to the Official Plans.

Zoning and Lifting of "H" Holding Provision

The subject lands are currently zoned C4 Neighbourhood Commercial Zone (1020 Rutherford Road) and A Agricultural Zone (1076 Rutherford Road) by By-law 1-88 as shown on Attachment #2. The Owner submitted a Zoning By-law Amendment Application (File Z.09.016 - Nine-Ten West Limited) to rezone a portion of the subject lands being 1076 Rutherford Road (shown on Attachment #2) from A Agricultural Zone to C4(H) Neighbourhood Commercial Zone with the Holding Symbol "H", which was approved by Vaughan Council on January 25, 2011. The rezoning would implement a consistent C4 Neighbourhood Commercial Zone over the entire property consisting of 1020 and 1076 Rutherford Road as shown on Attachment #2, which are all under one ownership. The implementing Zoning By-law will be enacted by Vaughan Council on

March 8, 2011 and includes the following condition that must be satisfied before the Holding Symbol can be removed on 1076 Rutherford Road:

"That the removal of the "H" Holding Symbol shall be conditional upon Vaughan Council's approval of a site plan for an appropriately designed commercial development including the preservation of the Carrville Post Office and General Store on the property, which must be sited to the satisfaction of the Vaughan Cultural Services Division and Vaughan Development Planning Department."

Through the review of Site Development Application DA.10.108, the Owner has demonstrated that the site is appropriately designed and the Carrville Post Office/General Store will be preserved and successfully integrated into the commercial development as discussed later in this report. Therefore, subject to Council's approval of the Site Development Application, the Holding Symbol can be removed on 1076 Rutherford Road. A by-law to remove the Holding Symbol will be forwarded to Council for enactment on April 5, 2011.

Minor Variance Application A085/11 must also be approved by the Vaughan Committee of Adjustment to implement the site plan, as discussed in the "Minor Variance" section of this report.

Site Plan and Landscaping

The 0.981 ha site is currently developed with a 2-storey heritage structure known as the Carrville Post Office/General Store, which is proposed to be relocated to the southeast corner of the subject lands and is referenced as Building "B" on Attachment #3. Building "A", the new single-storey multi-unit commercial development is located along Thomas Cook Avenue and addresses the southwest corner of the site at the intersection of Thomas Cook Avenue and Rutherford Road. The total GFA proposed for the development is 2,028.85 m².

Currently, there is a full movement access on Thomas Cook Avenue at the northwest corner of the site opposite Wolf Creek Crescent, approximately 160m north of Rutherford Road. A right-in/right-out only access along Rutherford Road west of Building "B" is proposed approximately 88m from Thomas Cook Avenue, which is subject to approval by the Region of York.

The site plan and landscape plan show a minimum 6.0 wide landscape strip along the flankage of the site abutting Thomas Cook Avenue and the frontage of Rutherford Road. However, the landscape strip is reduced to 3m along Rutherford Road in front of Building "B". The landscape strip abutting both Rutherford Road and Thomas Cook Avenue is a mix of soft and hard surface landscaping incorporating an interlock and concrete pedestrian walkway with deciduous shrub planting. Key locations along the flankage and frontage of the subject lands including the driveway accesses, and the corner of the site have been accented with decorative metal fencing and masonry pillars as shown on Attachment #4. Planting beds are proposed along the south elevation facing Rutherford Road and centrally along the west elevation facing Thomas Cook Avenue creating an attractive entrance for pedestrians accessing the site via the sidewalk and walkway. Coniferous and deciduous planting is proposed along the north and east property lines coincident with the 6.0m wide sanitary sewer easement abutting the existing open space valley lands.

The applicant has proposed a minimum 7.43m building setback from the open space valley lands to Building "B" as shown on Attachment #3. The Vaughan Development Planning Department, Toronto and Region Conservation Authority (TRCA) and Vaughan Cultural Services Division, are all satisfied with the minimum 7.43m setback provided at the corner of Building "B" being the heritage structure considering the site constraints and preference to maintain the heritage structure on the subject lands as close to its original location as possible.

Parking for the subject lands is provided to the north and east of Building "A". Landscaped islands are proposed at the end of the parking aisles to define the main driveway aisle linking the two access points to the site.

The Vaughan Development Planning Department is generally satisfied with the proposed site plan and landscape plan shown on Attachments #3 and #4. The final site plan, landscape plan and landscape cost estimate, must be approved to the satisfaction of the Development Planning Department.

Minor Variances

The Owner has submitted a Minor Variance Application (File A085/11) to request relief from the following requirements of By-law 1-88:

	By-law Standard	By-law 1-88 Requirements (C4 Neighbourhood Commercial Zone)	Proposed Exceptions to the C4 Zone of By-law 1-88 through Committee of Adjustment Minor Variance Application A085/11
a.	Minimum Front Yard (Rutherford Road Building "A")	11.0m	9.80m
b.	Minimum Front Yard (Rutherford Road Building "B")	11.0m	3.0m
c.	Minimum Exterior Side Yard (Thomas Cook Avenue-Building "A")	11.0m	6.0m
d.	Minimum Interior Side Yard (East Property Line Building "B")	11.00m	7.43m
e.	Minimum Setback from an "R" Residential Zone	22.0m	18.79m
f.	Minimum Width of a Landscape Strip Abutting Rutherford Road	6.0m	3.0m
g.	Minimum Number of Parking Spaces	124 parking spaces	117 parking spaces

The site-specific variances are required to facilitate the development as shown on Attachment #3. The variances, if approved, must be in full force and effect, prior to the execution of the Site Plan Letter of Undertaking.

The proposed variances for the reduced building setbacks are considered to be minor in nature. The variances would facilitate buildings located closer to the street, which is desirable from an urban design and streetscape perspective. The reduced setback for the heritage structure has been reviewed by the TRCA and the Vaughan Development Planning Department and Vaughan Cultural Services Division and is considered to be appropriate given the efforts by the applicant to relocate, restore and reuse this building. Similarly, the reduced landscape setback to the heritage structure can be supported. The proposed reduction in parking spaces is for 7 spaces only.

Under the City's parking standards review conducted by the IBI Group, the required parking for this development would be a minimum of 3 to a maximum 4.5 surface parking spaces per 100m² of GFA (61 to 92 parking spaces). To date, the parking standards recommended by the study have not been implemented into By-law 1-88, however, the study has concluded that Vaughan's current parking requirements should be reduced. On this basis, the Development Planning Department can support the requested variances.

Building Elevations and Site Signage

The proposed Building Elevations and Signage Details Plan are shown on Attachments #5 to #7. The irregular shaped building is constructed with a flat roof having a varying height to a maximum of 8.7m including the top of the raised parapet and marquee. The primary building materials used are brick, stone veneer and EFIS system with a stucco finish, in a neutral off-white and beige colour palate. Clear vision glass will be used on all windows and doors respectively with navy blue awnings incorporated above all the windows and below the proposed signage.

Two pylon signs (Attachment #7) have been proposed for the subject lands, one along Rutherford Road on the west side of the driveway access and the second along Thomas Cook Avenue on the south side of the driveway access as shown on Attachment #3. Both pylon signs are comprised of a neon sign box and have a maximum height of 4.15m and are mounted on a brick veneer base which matches the brick used on the building.

The final Building Elevation and Signage Details Plan must be approved to the satisfaction of the Vaughan Development Planning Department.

Vaughan Engineering Department

The Vaughan Engineering Department has reviewed the Site Development Application and has no objections. The final site servicing and grading plan must be approved to the satisfaction of the Vaughan Engineering Department.

Heritage Vaughan

The Owner submitted an application to Heritage Vaughan for the restoration, relocation and integration of the Carrville Post Office/General Store as part of the proposed commercial development. In a report prepared by the Vaughan Cultural Services Division, it was recommended that Heritage Vaughan approve the following recommendations:

- "1. That Heritage Vaughan approve the relocation of the subject building to the location identified in the submitted site plan dated October 27th 2010, and;
2. That Heritage Vaughan receive the proposed Condition survey by McGillivray architect in association with Unterman-McPhail dated November 2010, and;
3. That Heritage Vaughan approve a Heritage Permit for actions to address the immediate Priorities identified in the Condition Survey as described in the Analysis portion of this report, so that they may be implemented as soon as possible, prior to the relocation of the building, and;
4. That staff continue to work with the applicant and consultants in the review of the Condition survey as it informs the future Conservation Plan, and;
5. That Heritage Vaughan request that a comprehensive Conservation Plan for the building be submitted by the owner prior to the issuance of a Heritage Permit, and;
6. That a letter of credit be obtained from the owner to ensure the building is preserved and maintained during and after its relocation, and;

7. That the applicant provide a full set of final drawings, including site plan and all elevations for final approval by Cultural Services staff prior to the issuance of a Heritage Permit, and;
8. That the applicant provide samples of building materials and paint samples for consideration and approval by Cultural Services staff prior to the issuance of a Heritage Permit, and;
9. That the applicant provide samples of the building materials and paint samples for consideration and approval by Cultural Services staff at a time when this information is known to the applicant."

On February 16, 2011, Heritage Vaughan approved the above recommendations.

The Owner must address all requirements of Heritage Vaughan and the Vaughan Cultural Services Division.

Vaughan Real Estate Division

The Vaughan Real Estate Division has advised that prior to final approval of the site plan application, the Owner shall enter into a Developers' Group Agreement with the other participating landowners within Block 11 to the satisfaction of the City. The agreement shall be regarding but not limited to all cost sharing for the provision of parks, cash-in-lieu of parkland, roads and municipal services within Block 11. This agreement shall also provide a provision for additional developers to participate within the Developers' Group Agreement when they wish to develop their lands.

The Owner acknowledges that cash-in-lieu of parkland shall be paid in accordance with Section 42 of the Planning Act and conform to the City's "Cash-in-Lieu of Parkland Policy".

Toronto and Region Conservation Authority (TRCA)

The subject lands are located adjacent to lands zoned OS1 Open Space Conservation Zone to the north and the east. The abutting OS1 lands are a part of the valley system which runs through Block 11. The Owner must comply with the requirements of the TRCA.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

The subject lands are located on the north side of Rutherford Road, which is a Regional Road. The Region of York is requiring a portion of the subject lands along Rutherford Road for a road widening. The Owner will be required to fulfill all requirements of the Region of York Transportation Services Department, including the execution of a Regional Site Plan Agreement, prior to the issuance of a building permit.

Conclusion

The Vaughan Development Planning Department has reviewed the Site Plan Application in accordance with OPA #600, By-law 1-88, the comments from City Departments and external public agencies, and the area context and can support the approval of the proposed development, consisting of a single storey, multi-unit 1,785.85m² commercial development and the relocation and restoration of the 2-storey 243m² heritage structure being the Carrville Post Office/General Store. On this basis the Holding Symbol "(H)" can also be removed from the portion of the property being 1076 Rutherford Road.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Proposed East and West Building Elevations
6. Proposed North and South Building Elevations
7. Signage Details

Report prepared by:

Arminé Hassakourians, Planner, ext. 8368

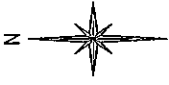
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

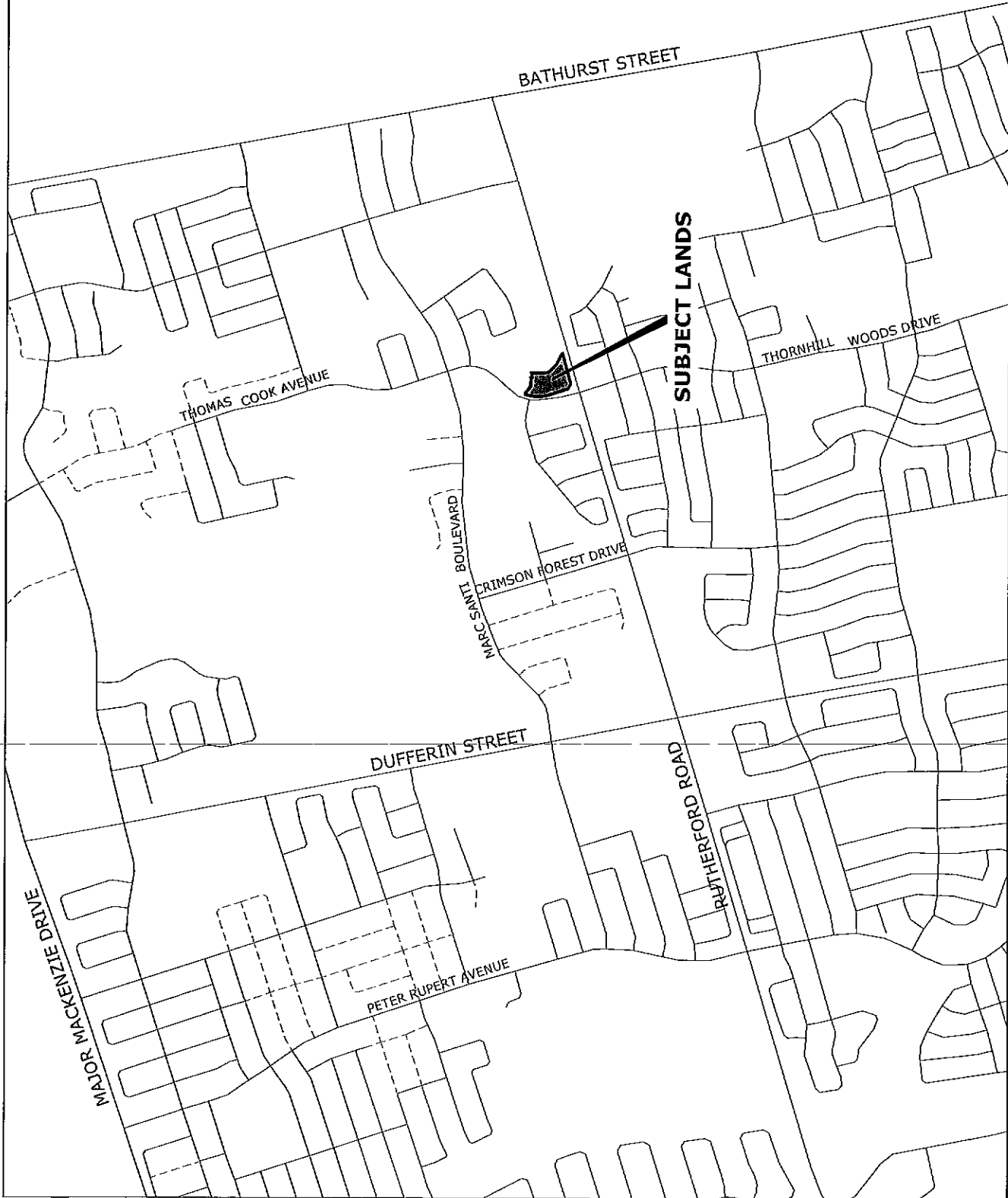
GRANT UYEVAMA
Director of Development Planning

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Not to Scale

TOWN
OF
RICHMOND
HILL



SUBJECT LANDS

Context Location Map

Part of Lot 16,
Concession 2

Applicant:
NINE-TEN WEST LIMITED

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Attachment 1

File:
DA_10.108

Date:
February 22, 2011



* LANDS (1076 RUTHERFORD ROAD) ZONED 'A' AGRICULTURAL ZONE SUBJECT TO ZONING BY-LAW AMENDMENT APPLICATION (FILE Z.09.016) WHICH WAS APPROVED BY COUNCIL ON JANUARY 25, 2011 TO REZONE THE LANDS C4(H) NEIGHBOURHOOD COMMERCIAL ZONE WITH THE HOLDING SYMBOL "H". THE IMPLEMENTING ZONING BY-LAW IS SCHEDULED TO BE ENACTED BY COUNCIL ON MARCH 8, 2011.

- LEGEND**
- A - AGRICULTURAL ZONE
 - C1 - RESTRICTED COMMERCIAL ZONE
 - C3 - LOCAL COMMERCIAL ZONE
 - RD1 - RESIDENTIAL DETACHED ZONE ONE
 - RD3 - OPEN SPACE CONSERVATION ZONE
 - RD4 - OPEN SPACE PARK ZONE
 - RV4 - RESIDENTIAL URBAN VILLAGE ZONE FOUR
 - RVM1(A) - RESIDENTIAL URBAN VILLAGE MULTIPLE ZONE ONE
 - RS1 - RESIDENTIAL DETACHED ZONE THREE
 - RT1 - RESIDENTIAL DETACHED ZONE FOUR
 - OS1 - RESIDENTIAL SEMI-DETACHED ZONE ONE
 - OS2 - RESIDENTIAL TOWNHOUSE ZONE
- SUBJECT LANDS**
- [Shaded Box]

Location Map

Part of Lot 16,
Concession 2
Applicant:
NINE-TEN WEST LIMITED
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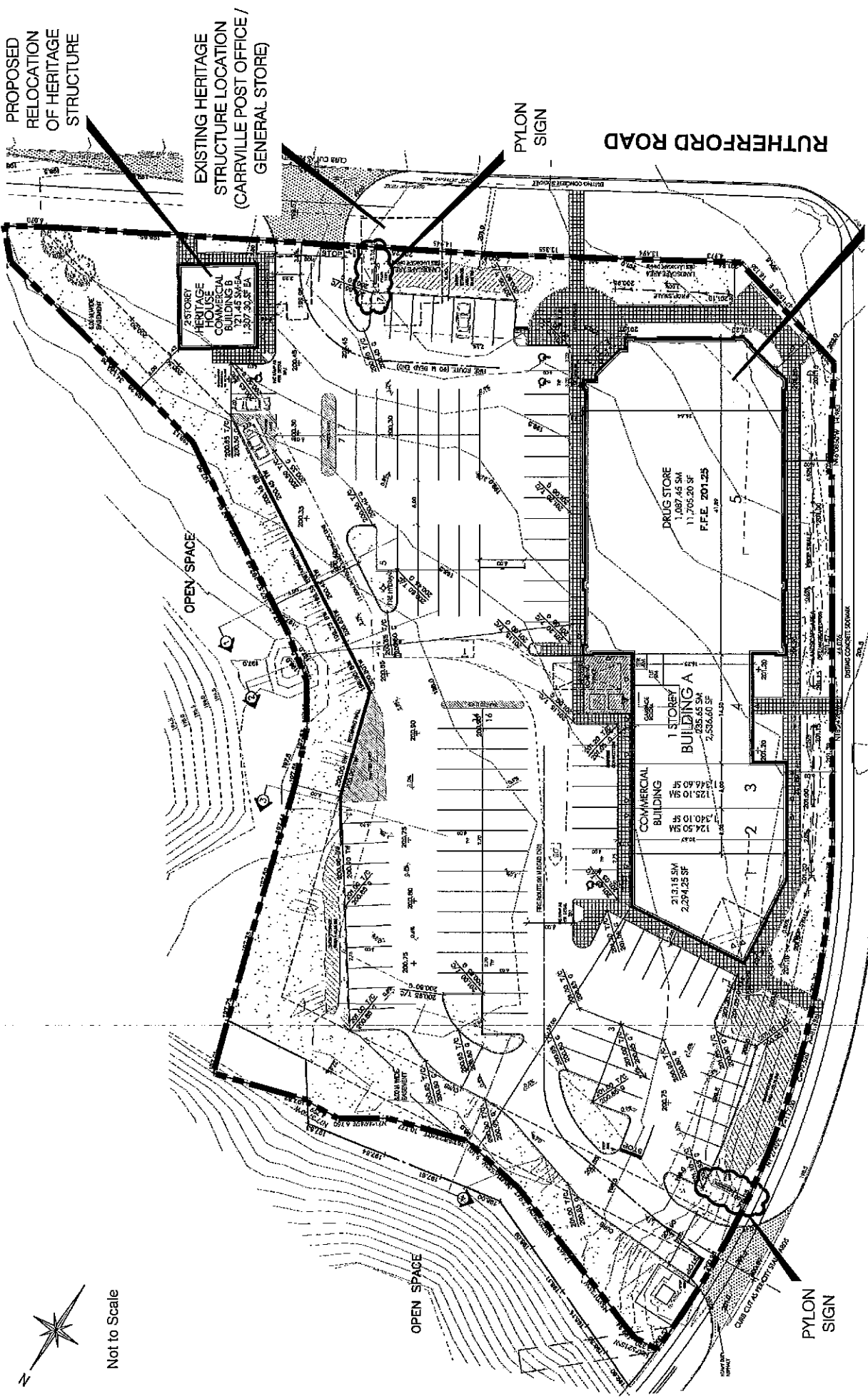


Attachment 2

File: DA.10.108
Date: February 22, 2011



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PROPOSED RELOCATION OF HERITAGE STRUCTURE

EXISTING HERITAGE STRUCTURE LOCATION (CARRVILLE POST OFFICE/ GENERAL STORE)

PYLON SIGN

RUTHERFORD ROAD

PROPOSED 1-STORY MULTI - UNIT COMMERCIAL BUILDING

OPEN SPACE

OPEN SPACE

THOMAS COOK AVENUE

PYLON SIGN

SUBJECT LANDS

Site Plan

Part of Lot 16,
Concession 2
Applicant:
NINE-TEN WEST LIMITED
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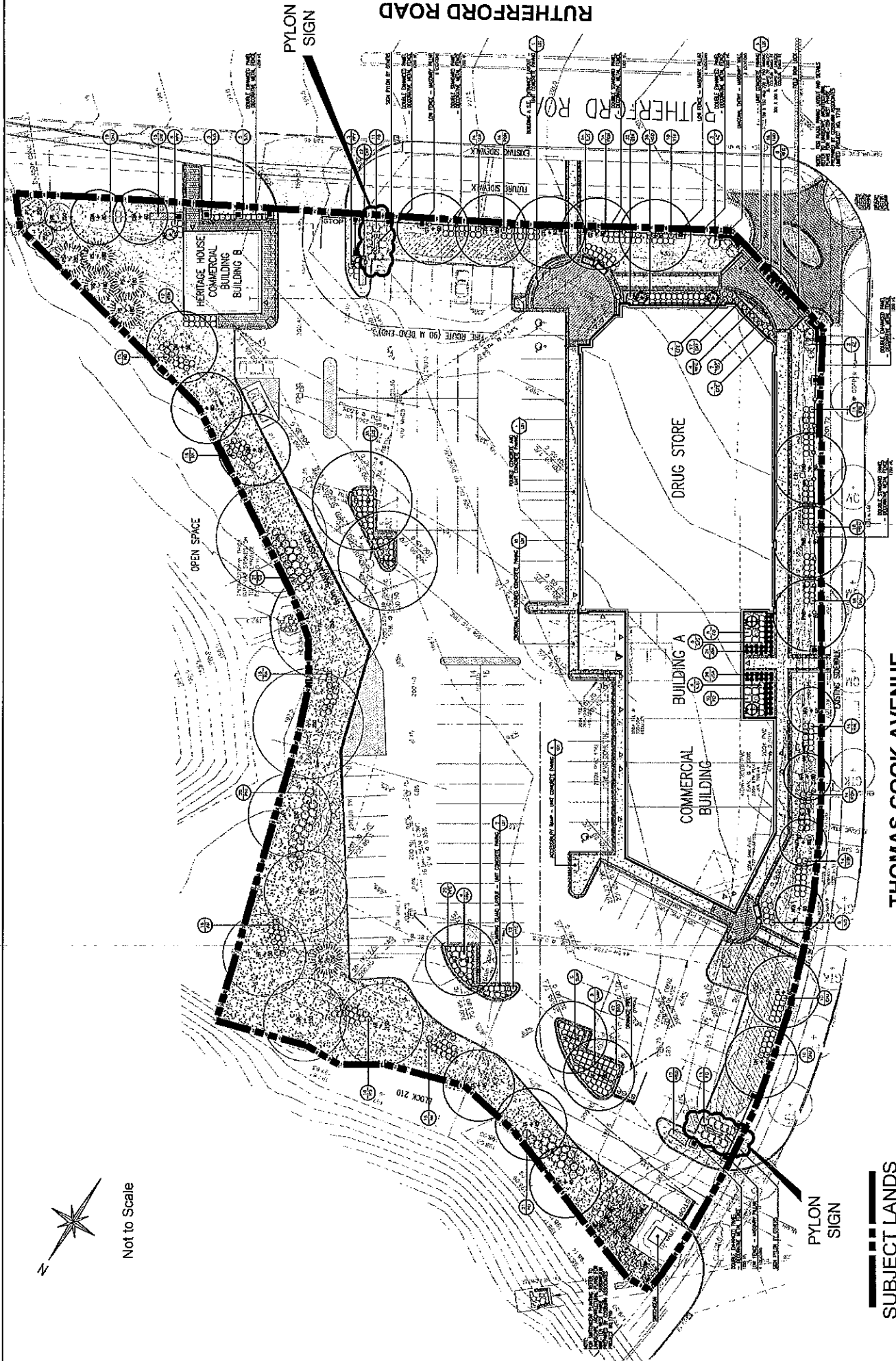
Attachment 3

File:
DA.10.108

Date:
February 22, 2011



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SUBJECT LANDS

THOMAS COOK AVENUE

Landscape Plan

Attachment 4

Part of Lot 16,
Concession 2

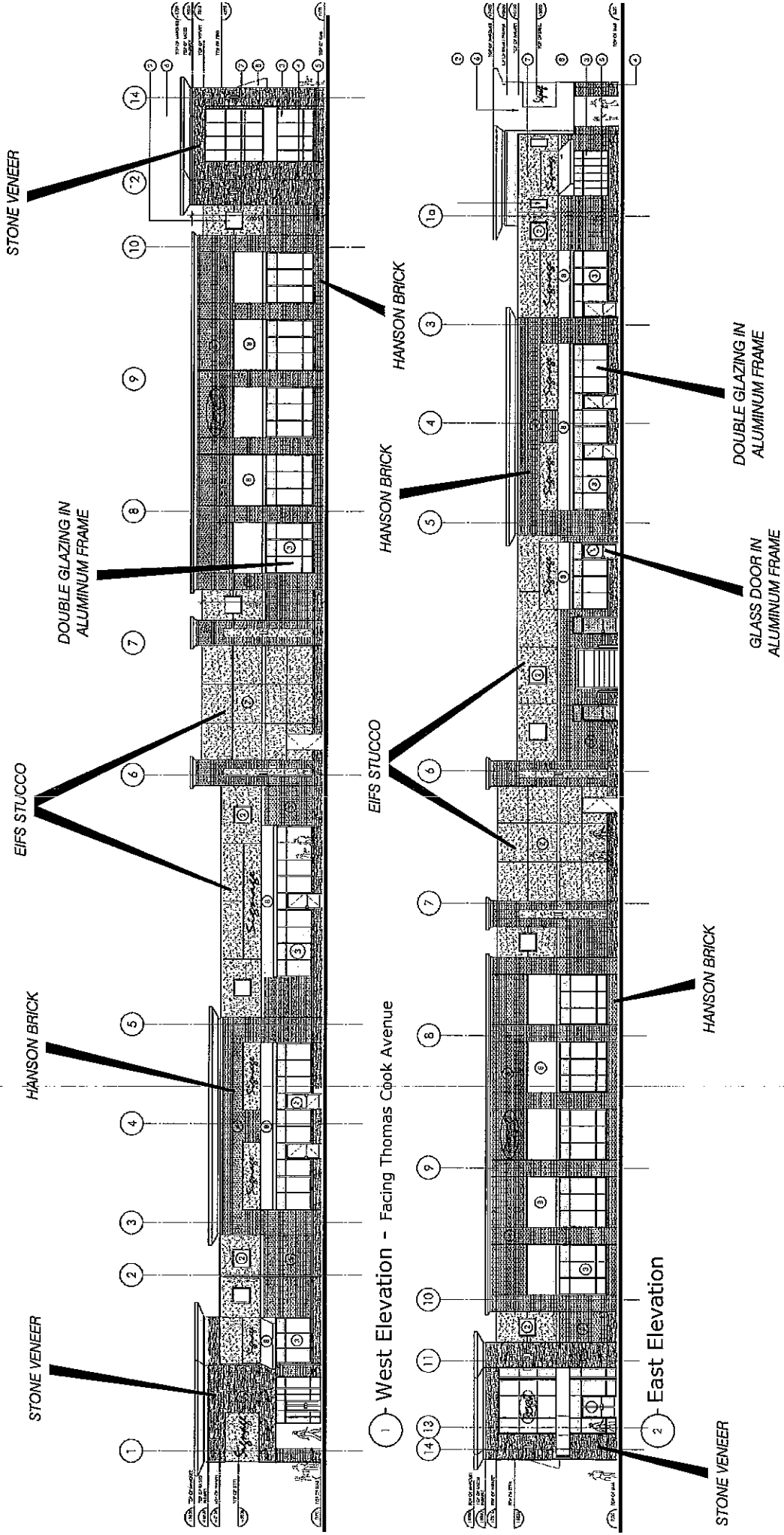
Applicant:
NINE-TEN WEST LIMITED

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Date:
February 22, 2011



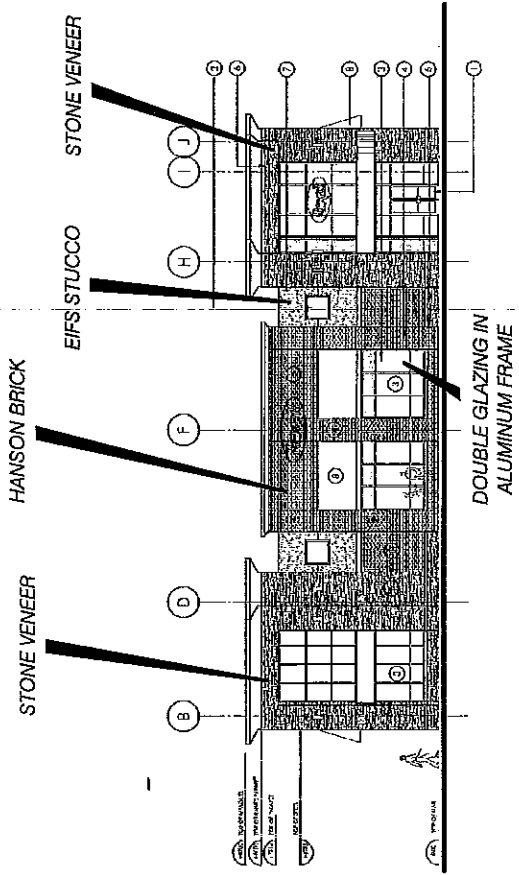
Proposed East & West Building Elevations

Attachment 5

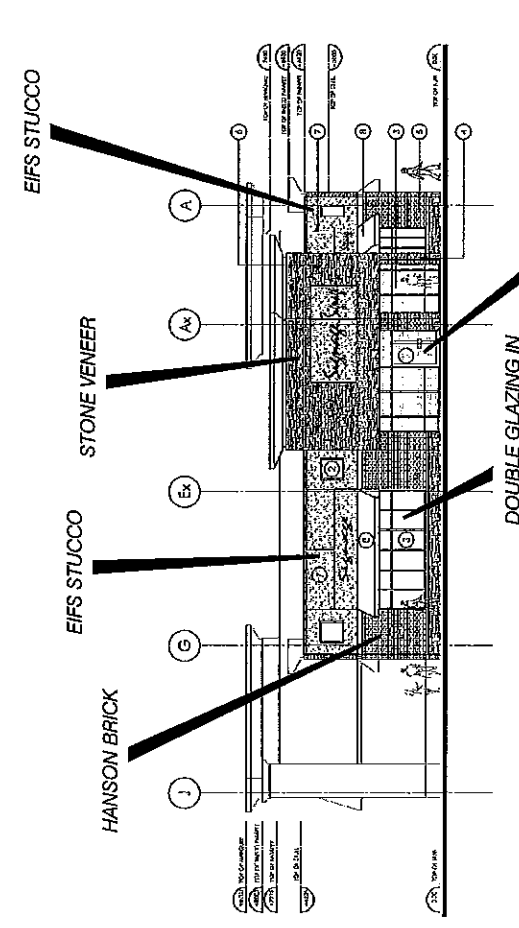
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 Part of Lot 16, Concession 2
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 Date: February 22, 2011

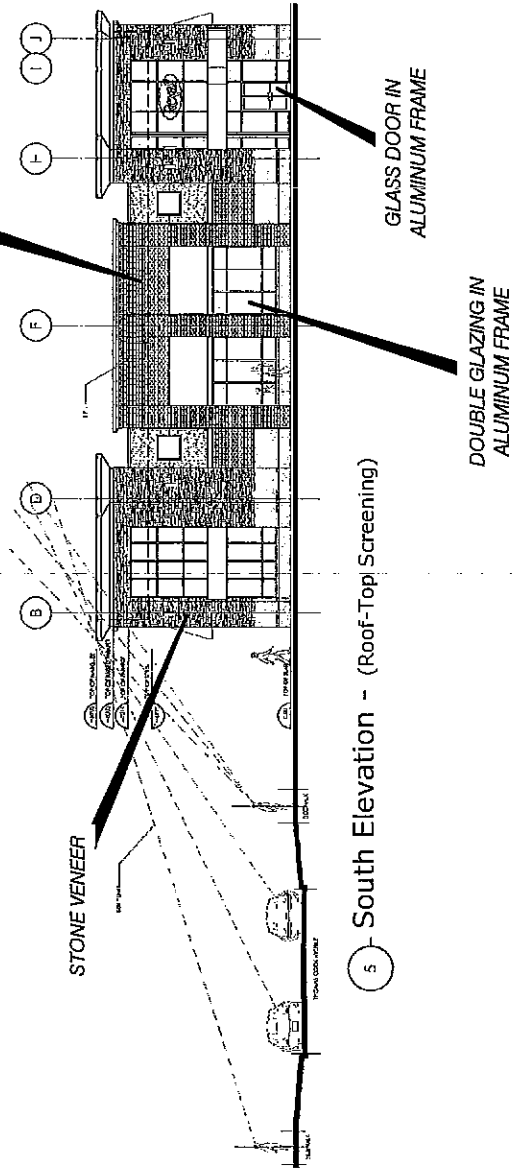




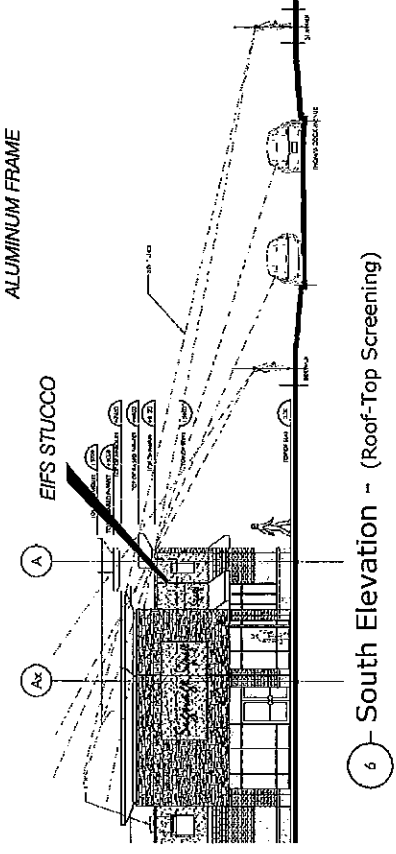
3 South Elevation - Facing Rutherford Road



4 North Elevation



5 South Elevation - (Roof-Top Screening)

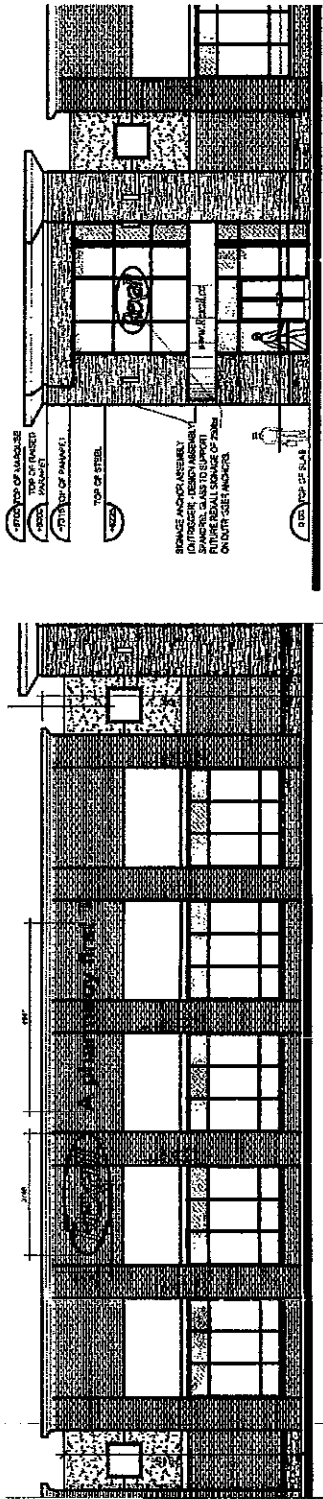


6 South Elevation - (Roof-Top Screening)

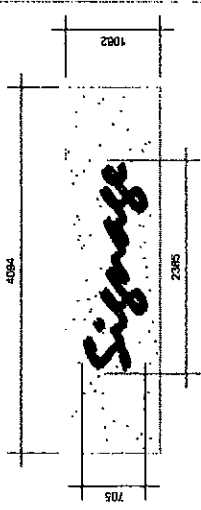
Proposed North & South Building Elevations

Applicant: Part of Lot 16, NINE-TEN WEST LIMITED Concession 2
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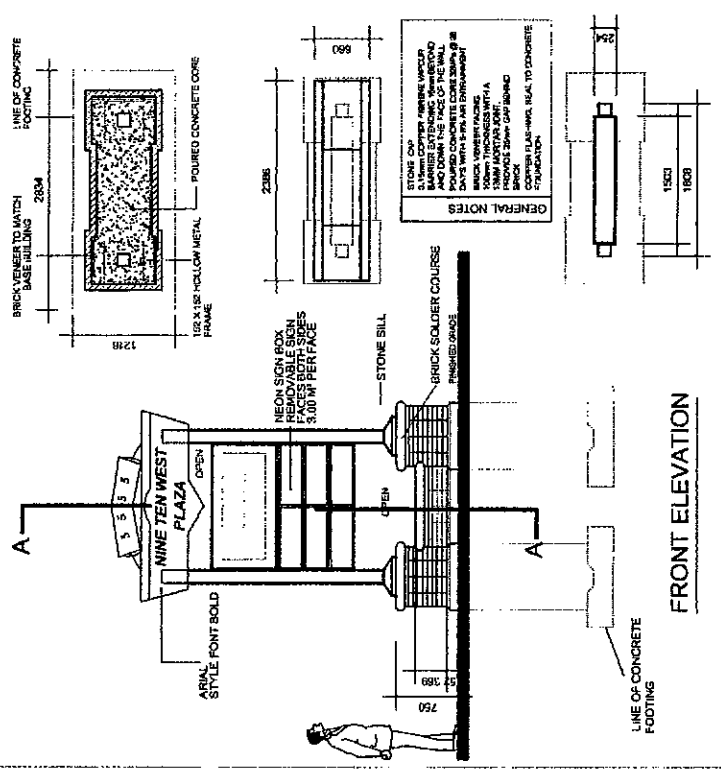
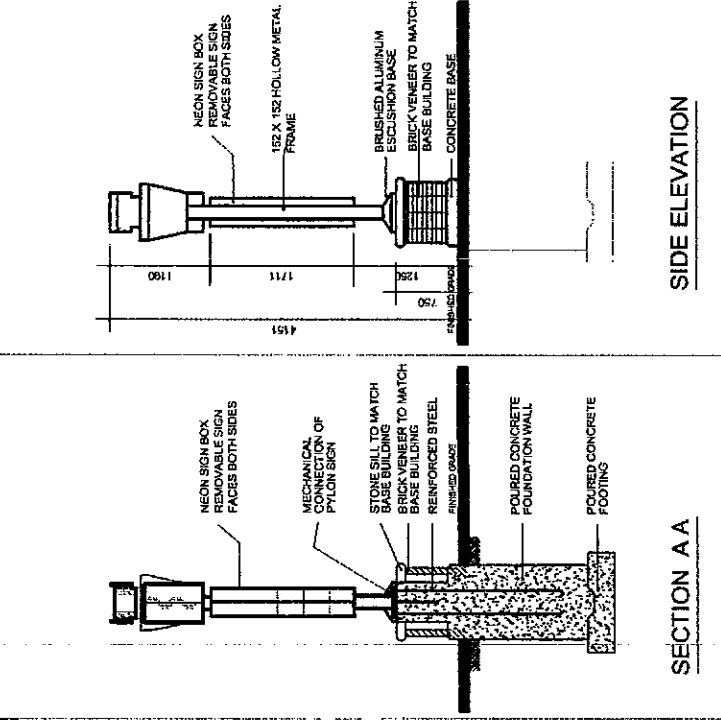


TYPICAL STORE FRONT
SIGNAGE AREA



TYPICAL SIGNAGE SPECIFICATIONS:

- ILLUMINATION**
- LED Channel Letters
- Type BV - Aluminum - Piranha 1x4
- Colour: White
- Power Supply Transformer @120VAC, 4.0A
- STRUCTURES**
- Channel Letters:
 - 1. 5mm (0.125") thick channel face
 - 2. 1.5 mm (0.063") thick deep (channel return)
 - 3. 6mm (1/4") thick clear lexan (channel back)
- MOUNT BRACKET + TRANSFORMER BOX
- Made out of aluminum and steel.



Not to Scale

File: DA.10.108

Date: February 22, 2011